

# Congress of the United States

Washington, DC 20515

August 2, 2022

The Honorable Xavier Becerra  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue SW  
Washington, D.C. 20201

The Honorable Antony Blinken  
Secretary  
U.S. Department of State  
2201 C Street NW  
Washington, D.C. 20520

The Honorable Samantha Power  
Administrator  
U.S. Agency for International Development  
Ronald Reagan Building  
Washington, D.C. 20523

Re: Request for urgent action to communicate and implement Helms Amendment exceptions to countries and organizations that receive U.S. Foreign Assistance.

Dear Secretary Becerra, Secretary Blinken, and Administrator Power:

We write to urge you to immediately issue clear guidance to countries and organizations that receive U.S. Foreign Assistance, to communicate and implement the exceptions to the Helms Amendment. The Helms Amendment was enacted in 1973 and bars U.S. Foreign Assistance for abortion as a “method of family planning.” However, there are exceptions to the Helms Amendment. The exceptions permit U.S. Foreign Assistance to be used for abortion care in cases of rape, incest, and life endangerment.

Unfortunately, for over 50 years, the Helms Amendment has been incorrectly applied as a total ban on U.S. Foreign Assistance being used for abortion care. Indeed, the overapplication of Helms has had devastating effects internationally, the latest example being Russia’s attack on Ukraine.

As we write, there are mounting reports of Russian forces inflicting rape, sexual slavery, and forced pregnancy on Ukrainians.<sup>1</sup> Further, as millions of Ukrainians flee their homes and country,<sup>2</sup> they are at heightened risk of sexual and gender-based violence and trafficking.<sup>3</sup> As currently applied, Helms Amendment restrictions on U.S. foreign assistance funds mean that none of the more than \$1.2 billion<sup>4</sup> in U.S. humanitarian aid can be used to

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<sup>1</sup> United Nations – Human Rights, Office of the High Commissioner, *Situation of Human Rights in Ukraine in the Context of the Armed Attack by the Russian Federation* (accessed July 28, 2022), <https://www.ohchr.org/sites/default/files/documents/countries/ua/2022-06-29/2022-06-UkraineArmedAttack-EN.pdf>

<sup>2</sup> The UN Refugee Agency, *Operational Data Portal – Ukraine Refugee Situation* (accessed July 28, 2022), <https://data.unhcr.org/en/situations/ukraine/location?secret=unhcrrestricted>.

<sup>3</sup> The UN Refugee Agency, *Ukraine Crisis Creates New Trafficking Risks* (accessed July 28, 2022), <https://www.unhcr.org/en-us/news/stories/2022/4/62569be24/ukraine-crisis-creates-new-trafficking-risks.html>.

<sup>4</sup> Figure as of July 11, 2022. USAID, *Ukraine - Complex Emergency Fact Sheet #23* (accessed July 14, 2022), [https://www.usaid.gov/sites/default/files/documents/2022-07-11\\_USG\\_Ukraine\\_Complex\\_Emergency\\_Fact\\_Sheet\\_23.pdf](https://www.usaid.gov/sites/default/files/documents/2022-07-11_USG_Ukraine_Complex_Emergency_Fact_Sheet_23.pdf).

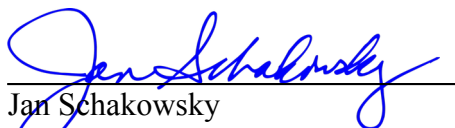
support victims who need access to safe abortion. These victims, who have already suffered the brutality of rape at the hands of Russian soldiers or other perpetrators of sexual violence, are being forced to carry these pregnancies to term against their will. Clarifying and properly implementing the Helms exceptions would provide access to safe abortion care for these victims of rape.

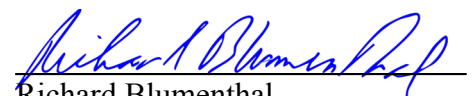
Further, clarifying the exceptions to the Helms Amendment is necessary to ensure U.S. foreign assistance does not obstruct access to safe abortion care in countries where it is legally permissible under local law. A recent study indicates: “Of the 56 countries receiving U.S. global health assistance, most (86%, or 48 countries) allow for abortion in at least one circumstance.”<sup>5</sup> Further, the study concludes: “clarifying Helms to allow such support in exceptional circumstances would ... expand the ability of U.S. global health assistance to support legal abortion.”<sup>6</sup> These actions are needed in order to save lives and avoid furthering the inhumane treatment of women, especially in the context of war.

In the wake of the devastating *Dobbs v. Jackson Women’s Health* decision, abortion access in the United States will be decimated nationwide. The impact of the *Dobbs* decision far exceeds our borders. We know that many countries that have long used the *Roe v. Wade* decision to support legalizing their abortion laws will now face challenges. Issuing guidance on the exceptions to the Helms Amendment will ensure that the United States is not impeding access to health care that is protected under local law in other countries.

We thank you for your time and attention and would appreciate a response to this request before August 31, 2022. We stand ready to work with you to ensure correct application of the Helms Amendment exceptions around the world.

Sincerely,

  
Jan Schakowsky  
Member of Congress

  
Richard Blumenthal  
United States Senator

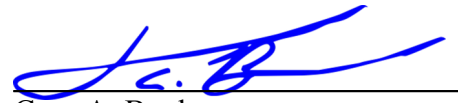
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<sup>5</sup> Kellie Moss & Jennifer Kates, The Helms Amendment and Abortion Laws in Countries Receiving U.S. Global Health Assistance, Kaiser Family Foundation (Jan. 18, 2022), <https://www.kff.org/global-health-policy/issue-brief/the-helms-amendment-and-abortion-laws-in-countries-receiving-u-s-global-health-assistance/>.

<sup>6</sup> *Id.*



Barbara Lee  
Member of Congress



Cory A. Booker  
United States Senator



Raúl M. Grijalva  
Member of Congress



André Carson  
Member of Congress



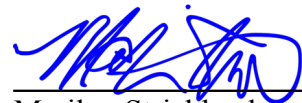
Carolyn B. Maloney  
Member of Congress



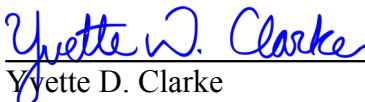
Christopher S. Murphy  
United States Senator



Jake Auchincloss  
Member of Congress



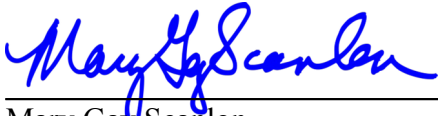
Marilyn Strickland  
Member of Congress



Yvette D. Clarke  
Member of Congress




Darren Soto  
Member of Congress



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Mary Gay Scanlon  
Member of Congress



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Emanuel Cleaver, II  
Member of Congress



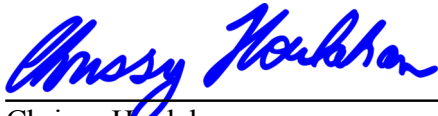
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Rosa L. DeLauro  
Member of Congress



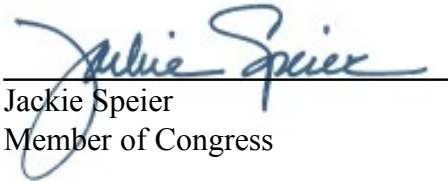
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Charlie Crist  
Member of Congress



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Chrissy Houlahan  
Member of Congress



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Jackie Speier  
Member of Congress



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Diana DeGette  
Member of Congress



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Colin Z. Allred  
Member of Congress



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Karen Bass  
Member of Congress



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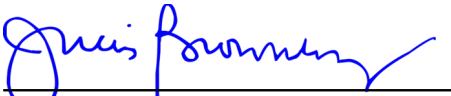
Donald S. Beyer Jr.  
Member of Congress



Earl Blumenauer  
Member of Congress



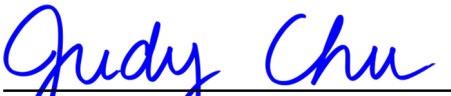
Anthony G. Brown  
Member of Congress



Julia Brownley  
Member of Congress



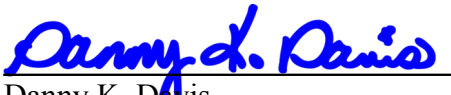
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Judy Chu  
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Jason Crow  
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Danny K. Davis  
Member of Congress



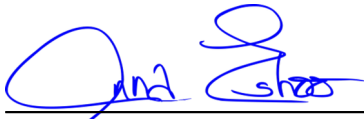
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Mark DeSaulnier  
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Lloyd Doggett  
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Anna G. Eshoo  
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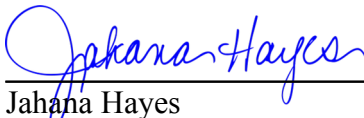
Adriano Espaillat  
Member of Congress



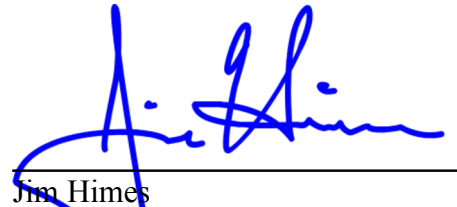
Lois Frankel  
Member of Congress



Jesús G. "Chuy" García  
Member of Congress



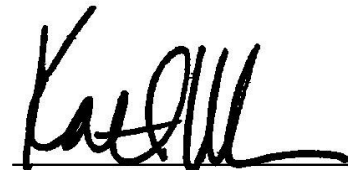
Jahana Hayes  
Member of Congress



Jim Himes  
Member of Congress



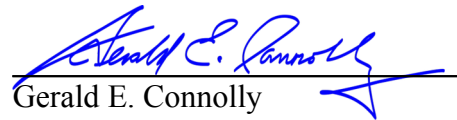
James P. McGovern  
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Kathleen M. Rice  
Member of Congress



David E. Price  
Member of Congress



Gerald E. Connolly  
Member of Congress



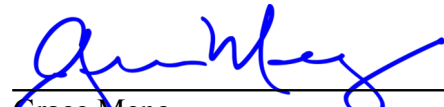
Ted W. Lieu  
Member of Congress



Zoe Lofgren  
Member of Congress



Betty McCollum  
Member of Congress



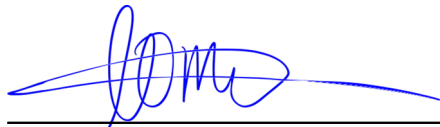
Grace Meng  
Member of Congress



SETH MOULTON  
Member of Congress



Eleanor Holmes Norton  
Member of Congress



Ilhan Omar  
Member of Congress



Chellie Pingree  
Member of Congress



Mark Pocan  
Member of Congress



Mike Quigley  
Member of Congress



Adam B. Schiff  
Member of Congress



Dina Titus  
Member of Congress



Lori Trahan  
Member of Congress



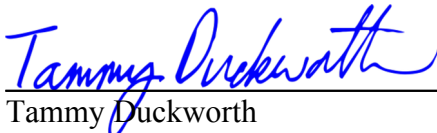
Peter Welch  
Member of Congress



Nikema Williams  
Member of Congress



Frederica S. Wilson  
Member of Congress



Tammy Duckworth  
United States Senator



Tina Smith  
United States Senator

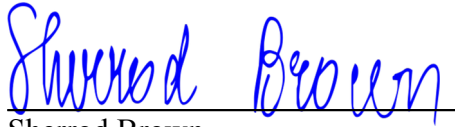


Mazie K. Hirono  
United States Senator

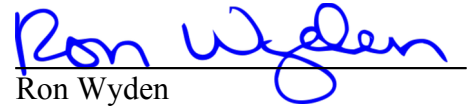


Kirsten Gillibrand  
United States Senator

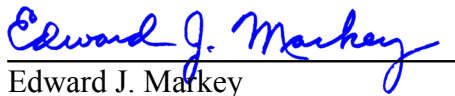




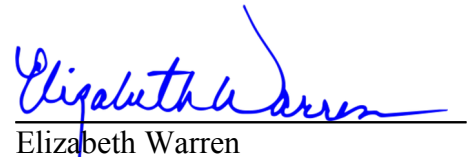
Sherrod Brown  
United States Senator



Ron Wyden  
United States Senator



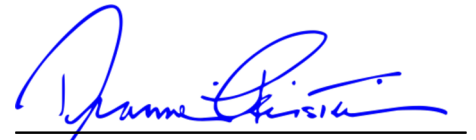
Edward J. Markey  
United States Senator



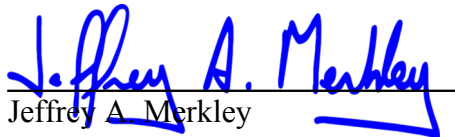
Elizabeth Warren  
United States Senator



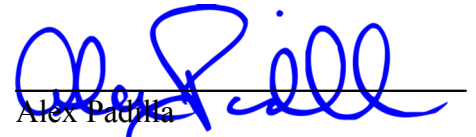
Amy Klobuchar  
United States Senator



Dianne Feinstein  
United States Senator



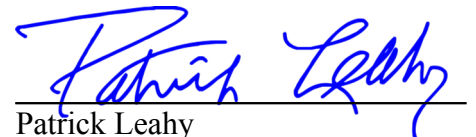
Jeffrey A. Merkley  
United States Senator



Alex Padilla  
United States Senator



Bernard Sanders  
United States Senator



Patrick Leahy  
United States Senator

A handwritten signature in blue ink that reads "Tammy Baldwin". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

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Tammy Baldwin  
United States Senator

A handwritten signature in blue ink that reads "Dick Durbin". The signature is cursive, with "Dick" being a common nickname for Richard.

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Richard J. Durbin  
United States Senator

A handwritten signature in blue ink that reads "M. F. Bennet". The signature is cursive, with the initials "M. F." followed by the last name "Bennet".

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Michael F. Bennet  
United States Senator

A handwritten signature in blue ink that reads "Patty Murray". The signature is cursive, with the first name "Patty" and last name "Murray" clearly visible.

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Patty Murray  
United States Senator